

GEORGIA STATE BOARD OF OPTOMETRY

October 25, 2006

A Board meeting of the Georgia State Board of Optometry was held on Wednesday, October 25, 2006, at 10:00 a.m. at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia

The following Board members were present:

Kay Royal, President	Bill Sharpton	Patricia Donnelly
R. Whitman Lord	H. Kemp Jones	Dudley Christie

Others Present: Brig Zimmerman, Executive Director, Sandy Bond, Executive Director, Wylencia Monroe, Board Attorney, Lynn Eason, Enforcement, Yvonne LeSane, Application Specialist I, Amanda Allen, Board Secretary, Gwen Dodson, Board Secretary.

Guests: Donna Buck, District Manager Optical, Wal-Mart; Rusty Martin, Wal-Mart Optical Center; Jackie Isaac, Wal-Mart Optical Center; Zachary Banks, Wal-Mart Optical Center; and Anna McCaskill, Wal-Mart Optical Center.

President Royal established that a quorum was present and called the meeting to order at 10:07 a.m.

Dr. Jones moved, Dr. Christie seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. re-1-2(k)(1)(2), 43-1-19(h)(2)&(4), 43-1-2(k)(4) and 50-14-2(1) and to discuss Applications, receive information from Cognizant Report, Investigations and the Attorney General's Report. In favor of the motion were those present who included Board members Kay Royal, H. Kemp Jones, Dudley Christie, R. Whitman Lord, Bill Sharpton and Patricia Donnelly. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

Agenda:

Dr. Jones moved, Ms. Donnelly seconded and the Board voted to approve the agenda as presented.

Minutes:

Dr. Jones moved, Dr. Christie seconded and the Board voted to approve the minutes from the July 26, 2006, meeting with corrections.

Liaison Report:

No report at this time

Dr. Sharpton existed the meeting.

Probation Report:

Lester Sharpton: In compliance.

Dr. Sharpton entered into the meeting.

Steven Nakdimen: In compliance. The Board received correspondence from the supervising Optometrist for Dr. Nakdimen requesting a change of supervision – approved by Board.

Dr. Jones moved, Dr. Sharpton seconded and the Board voted to accept the probation report as presented.

Correspondence:

Wilson Eye Center, Steve Wilson, OD: Draft correspondence to Dr. Wilson referring him to the Ga. Law/Board Rules pertaining to "any employee who is unlicensed must practice under the immediate supervision of a Physician, Licensed Optometrist or Dispensing Optician.

Wal-Mart Optical Division, Stephanie Spivey: Draft correspondence to Ms. Spivey in reference to dispensing of items with out a licensed Dispensing Optician, Licensed Optometrist or Physician on duty. Reference Ms. Spivey to Georgia Law 43-29-18 (F) found on the Optometry website, www.sos.state.ga.us/plb/optometry.

Executive Director Report:

Mr. Zimmerman discussed the following items of interest:

- Ms. Donnelly's re-appointment to the Board
- Introduced Board's new Executive Director- Ms. Sandy Bond
- Reviewed letter from Mollie Fleeman to all Board Members
- 2007 Meeting Dates: To be scheduled by Ms. Bond
- Continue to research TMOD Certification designation for listing the few Optometrist still practicing without TMOD Certification on the website; IT staff looking into identification of these Optometrists, all of whom have practiced for a number of years.

Request for Approval

CE Hours for participants of Optometry Exam Review Committee:

AAG Monroe suggested the Board consider its decision and whether the process of granting Continuing Education credit hours to those Optometrists utilized by the PLB Exam Center as "subject matter experts" is authorized. Board agreed to re-visit at a later date per Ms. Monroe's suggestion.

Dr. Jones moved and Dr. Christie seconded and the Board voted to approve six (6) hours of CE Credit for those Optometrists identified by the Exam Center as having assisted in the exam development as "subject matter experts".

ARBO OE Tracker & CELMO:

Board Discussion on ARBO OE Tracker & CELMO Programs will be tabled until the next scheduled board meeting.

Attorney General's Report

Correspondence and Advice: Proposed amendment to Rule 430-5-.03.

Proposed Rule Amendment Discussion:

430-5-.03 Treatment Plans – Co-Management:

Dr. Jones presented a proposed rule amendment prior to today's Board meeting to Mr. Zimmerman; Attorney General's office provided their memo of authority and the proposal is

brought before the Board this date for discussion and a vote to post the proposed rule amendment.

Rule 430-5-.03 Treatment Plans – Co-Management

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The Board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Optometry.

Dr. Jones moved and Dr. Sharpton seconded and the Board voted to post the Notice of Intent to Adopt and Notice of Hearing for the proposed rule change to rule 430-5-.03 for no less than 30 days as follows:

**NOTICE OF INTENT TO ADOPT A PROPOSED
AMENDMENT TO THE GEORGIA STATE BOARD OF OPTOMETRY RULES
CHAPTER 430-5; RULE 430-5-.03, TREATMENT PLANS – CO-MANAGEMENT AND
NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Optometry (hereinafter "Board") proposes an amendment to the Georgia State Board of Optometry Rules, Chapter 430; Rule 430-5-.03 Treatment Plans – Co-Management (herein after "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:05 a.m. on November 29, 2006 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages,

must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on November 22, 2006. Written comments should be addressed to Mollie L. Fleeman, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Optometry, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed rule amendment for adoption at a meeting scheduled to begin at 9:10 a.m. on November 29, 2006 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Optometry has the authority to adopt a proposed rule amendment to Rule 430-5-.01 pursuant to authority contained in O.C.G.A. §§ 43-30-1 and 43-30-5.

At its meeting on October 25, 2006, the Georgia State Board of Optometry voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-30-1 and 43-30-5.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-30-1 and 43-30-5 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of optometry.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the _____ day of _____, 2006.

Mollie L. Fleeman
Division Director
Professional Licensing Boards Division

Posted: _____

must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on November 22, 2006. Written comments should be addressed to Mollie L. Fleeman, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Optometry, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

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This notice is given in compliance with O.C.G.A. § 50-13-4.

This the _____ day of _____, 2006.

Mollie L. Fleeman
Division Director
Professional Licensing Boards Division

Posted: _____

**SYNOPSIS OF PROPOSED REVISIONS TO THE
GEORGIA STATE BOARD OF OPTOMETRY RULES CHAPTER 430-5;
RULE 430-5-.03, TREATMENT PLANS – CO-MANAGEMENT.**

PURPOSE: The purpose of the proposed rule amendment is to add a statement regarding Treatment Plans - Co-Management for clarification purposes.

MAIN FEATURES: The main feature of the proposed rule amendment is to add a statement regarding the Co-Management aspect within Treatment Plans.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED
AMENDMENTS TO THE GEORGIA STATE BOARD OF OPTOMETRY RULES,
CHAPTER 430-5; RULE 430-5-.03 TREATMENT PLANS –
CO-MANAGEMENT.**

NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.

Rule 430-5-.03 Treatment Plans – Co-Management proposed addition as follows:

430-5-.03 Treatment Plans – Co-Management

(1) Nothing in these rules shall be construed to prohibit a therapeutically certified doctor of optometry from co-managing cases which may involve, but are not limited to invasive surgery, laser surgery, and procedures involving oral or injected pharmaceutical agents with health care practitioners whose scope of practice allows them to do these procedures under their own licenses.

(2) Co-management is defined as the sharing of peri-operative, pre-surgical, post- surgical and medical management responsibilities between the health care providers for conditions of the eyes and ocular adnexa of patients.

(3) Peri-operative is defined as the period of time extending from when the patient goes into the hospital, clinic, or doctor's office for surgery until the time the patient is discharged home to the extent the optometrist is practicing within the scope of practice found in O.C.G.A. § 43-30-1 et seq.

Authority O.C.G.A. §§ 43-30-1 and 43-30-5

Enforcement Reports:

OPT050031:

Board decided to close the case due to the death of the complainant and the fact that not one witness could be located that was seen by the unlicensed person and who would agree to be a witness for the State.

OPT030039:

Board decided to deny reinstatement of license; refer the case to the Investigations and request them issue a Cease and Desist order; and to also refer the case to the local

District Attorney's Office to pursue prosecution for continuing to practice with out a valid license. In addition, Board requests "Priority" status with regard to pursuing disciplinary actions.

OPT060010:

Board decided to keep the case open with investigations. Investigation will attempt to acquire a copy of the business license and make contact with the owner.

OPT060022:

Board decided to accept the signed Cease and Desist order. C&D order was issued and signed on September 06, 2006.

OPT060023:

Board decided to accept the signed Cease and Desist order. C&D order was issued and signed on September 06, 2006.

Dr. Lord moved, Ms. Donnelly seconded and the Board voted to accept the Enforcement Report as presented, and, to proceed with the decisions as outlined above on each case.

Cognizant Report:

OPT050029, OPT050030, OPT050033, OPT060001, OPT070007, OPT070009, OPT070010 and OPT070016: Cognizant recommendation: Close all.

Dr. Lord moved, Ms. Donnelly seconded and the Board voted to accept the Cognizant's report and recommendations and close the above complaint cases.

Applications:

R.E.M.: Dr. Christie moved and Ms. Donnelly seconded and the Board voted to refer to Enforcement for a Cease and Desist order in addition to exploring additional disciplinary actions available to the Board per the AAG's recommendations.

S.A.D.: Ms. Donnelly moved and Dr. Jones seconded and the Board voted to hold pending additional information applicant advised would be sent.

P.C.D.: Dr. Lord moved and Dr. Christie seconded and the Board voted to deny the request for a refund of application fees.


T.M.L.: Dr. Lord moved and Dr. Christie seconded and the Board voted to deny the request for a refund of application fees.

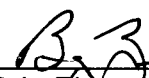
Dr. Jones moved, Dr. Lord seconded and the Board voted to ratify the following applications for licensure determined to have met licensure requirements issued between Board meetings as follows:

Name	License No.	Obtained By	Issue Date
Bahl, Alexandria Arielle	OPT002313	Application	7/28/2006
Bethel, Andrea Elizabeth	OPT002314	Application	7/28/2006
Chandler, Robin Rae	OPT002315	Examination	7/28/2006
Chretien, Jay Eric	OPT002316	Endorsement	7/28/2006
Kim, William Y	OPT002317	Endorsement	7/28/2006
Merritt, Kristi Ranice	OPT002318	Examination	7/28/2006
Raharja, Kim Chau Nguyen	OPT002319	Application	7/28/2006
Vo, Loan Thi Thanh	OPT002320	Application	7/28/2006
Wang, Sarah H	OPT002321	Application	7/28/2006
Wiedemann, Allison Lynn	OPT002322	Application	7/28/2006
Wolff, Annette Michelle	OPT002323	Application	7/28/2006
Johnson, Danielle Kathryn	OPT002324	Application	7/31/2006
Ferris, Eric Michael	OPT002325	Application	8/3/2006
Smith, Maria Beth	OPT002326	Application	8/30/2006
Smith, Christina Marie	OPT002327	Application	9/5/2006
Bathija-Lala, Bharti	OPT002328	Endorsement	9/11/2006
Crenshaw, Robert William	OPT002329	Endorsement	9/12/2006
Cerwinka, Christie Mai	OPT002330	Application	9/14/2006
Prichard, Thomas Leith	OPT002331	Endorsement	9/14/2006
Sulyi, Stephen Carl	OPT002332	Application	9/14/2006

There being no further business to come before the Board, the meeting was adjourned at 12:38 p.m.

Minutes recorded by: Amanda Allen, Board Secretary
Minutes reviewed and edited by: Brig Zimmerman, Executive Director


 Kay F. Royal, President


 Brig Zimmerman, Executive Director

These minutes were signed and approved on January 12, 2007.

STATE OF GEORGIA

COUNTY OF Bibb

**AFFIDAVIT SUPPORTING CLOSING
OF PUBLIC MEETING**

The Georgia Open Meetings Act, O.C.G.A. Sec. 50-14-1 et seq., requires that all meetings of an entity covered by the statute must be open to the public unless there is some specific statutory exception, which permits the closing of the meeting. If such a meeting is to be closed, the law requires that the presiding person execute a sworn affidavit stating that the subject matter of the meeting or the closed portion thereof was devoted to matters within the statutory exceptions and identifying those specific exceptions relied upon O.C.G.A. Sec. 50-14-4(b). A copy of this affidavit must be filed with the minutes of the meeting in question.

Comes now Kay F. Royal the presiding officer identified below and, before an official duly authorized to administer oaths, makes this affidavit in satisfaction of the statutory requirements outlined above.

1. I am the presiding officer of the Georgia State Board of Licensed Optometrist
2. I am over the age of 18 and in all other aspects competent to make this sworn statement. I acknowledge that I am giving this statement under oath and penalty of perjury and that I have read the contents of this affidavit prior to signing it.
3. On October 25, 2006 this entity, which is subject to the Open Meetings Act, met. A majority of the quorum of the members present voted to close the meeting or a portion thereof for the following indicated reason(s). I hereby certify that during the closed portion of the meeting, only those subjects indicated below were discussed. I also certify that I have reviewed the exceptions provided under the Open Meetings Act that may permit the closing of a meeting and that, to the best of my knowledge, the reasons I have described in detail below meet the requirements for closing this public meeting.
4. The subject(s) discussed and the underlying facts supporting the legal authority for the closure of this meeting was:

O.C.G.A. Sect. 50-14-2 (1)

FURTHER THE AFFIANT SAYETH NOT.



PRESIDING OFFICER

Sworn and subscribed before me

this 12th of January, 2007

Dianne Walker

Notary Public

Notary Public, Monroe County, Georgia
My Commission Expires Jan. 2, 2009